

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JORDAN TREVON WILLIAMS,)
)
)
Plaintiff,)
)
)
v.) Case No. CIV-22-00398-JD
)
)
ROGER LEVICK, Jackson County Jail)
Sheriff, individual and official capacities;)
CITY OF ALTUS; and ABEL)
GONZALES,)
)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

On May 19, 2022, United States Magistrate Judge Suzanne Mitchell granted Plaintiff's Motion to Proceed *in Forma Pauperis* [Doc. No. 2], but ordered Plaintiff to pay an initial partial filing fee of \$34.24 by June 9, 2022, followed by monthly payments thereafter until the total filing fee was paid. [Doc. No. 5].¹ Plaintiff was cautioned that failure to pay the initial partial filing fee, or show cause in writing for the failure to pay, by June 9, 2022, would result in dismissal of this action without prejudice. Plaintiff did not timely pay the initial filing fee or move for an extension of time to do so.

On June 21, 2022, Judge Mitchell issued a Report and Recommendation [Doc. No.

¹ Under 28 U.S.C. § 1915, although a court may authorize a prisoner to commence a civil action without prepayment of fees or security therefor in compliance with the statute, Congress has provided that “if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee.” 28 U.S.C. §§ 1915(a)(1)–(2), (b)(1). The statute indicates how the court shall assess and collect both the initial partial filing fee and monthly payments until the filing fee is paid. *Id.* § 1915(b)(1)–(2). *See also* [Doc. No. 5].

6] recommending that this action be dismissed without prejudice to refiling for Plaintiff's inaction in the case and failure to pay the initial filing fee. Judge Mitchell advised Plaintiff of his right to object to the Report and Recommendation by July 12, 2022, and that Plaintiff's failure to make a timely objection waives the right to appellate review of the factual findings and legal issues in the Report and Recommendation.

Plaintiff has not filed any objection, nor has he paid the required initial partial filing fee. The Court therefore **ADOPTS** the Report and Recommendation [Doc. No. 6] in its entirety for the reasons stated therein.

Consequently, Plaintiff's Complaint [Doc. No. 1] is **DISMISSED** without prejudice to refiling.

IT IS SO ORDERED this 28th day of July 2022.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE